In the Matter Of:

KULAKOWSKI vs WESTROCK SERVICES

LARRY EDEN

November 09, 2017



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IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF TENNESSEE NASHVILLE DIVISION

MICHAEL KULAKOWSKI,)
Plaintiff,)
vs.) CASE NO.) 3:16-CV-02510
WESTROCK SERVICES, INC.,)
Defendant.	,

DEPOSITION OF

LARRY LLOYD EDEN

Taken on Behalf of the Defendant

November 9, 2017

Commencing at 1:05 p.m.

Reported by: Jerri L. Porter, RPR, CRR

Tennessee LCR No. 335 Expires: 6/30/2018

November 09, 2017 | EDEN, LARRY KULAKOWSKI vs WESTROCK SERVICES

	Page 2 APPEARANCES:	1	Page The deposition of LARRY LLOYD EDEN was
2	For the Plaintiff:	2	taken on behalf of the Defendant on November 9,
3	HEATHER MOORE COLLINS	3	2017, in the offices of Bone, McAllester & Norton,
4	Collins & Hunter 7000 Executive Center Drive	1	131 Saundersville Road, Suite 130, Hendersonville,
4	Building 2, Suite 320	-	
5	Brentwood, Tennessee 37027	5	Tennessee, for all purposes under the Federal Rules
	(615) 724-1996	6	of Civil Procedure.
6	heather@collinshunter.com	7	The formalities as to notice, caption,
7		8	certificate, et cetera, are waived. All objections,
8	For the Defendant:	9	except as to the form of the questions, are reserved
8	MARY DOHNER SMITH	10	to the hearing.
9	Constangy, Brooks, Smith & Prophete	11	It is agreed that Jerri L. Porter,
	1010 SunTrust Plaza		
.0	401 Commerce Street	12	being a Notary Public and Court Reporter for the
	Nashville, Tennessee 37219	13	State of Tennessee, may swear the witness, and that
.1	(615) 320-5200	14	the reading and signing of the completed deposition
^	mdohner@constangy.com	15	by the witness are reserved.
.2		16	
. 4		17	
.5		18	
.6			
.7		19	
.8		20	
20		21	* * *
21		22	
22		23	
23		24	
24		25	
25		23	
_	Page 3		Pag
1	INDEX	1	LARRY LLOYD EDEN
2	INDEX OF EXAMINATIONS	2	was called as a witness, and after having been fir
3	Page	3	duly sworn, testified as follows:
4	Examination By Ms. Collins5	4	EXAMINATION
5	Examination By Ms. Dohner Smith50	5	BY MS. COLLINS:
6	Examination By Ms. Collins53	6	Q Good morning.
7		'	-
8		7	A Good morning.
		A	Q Could you state your complete name off the
	DESTINGT WARPED EVELDING	0	z comma for none for confine our con-
9	PREVIOUSLY MARKED EXHIBITS	"	record.
9	PREVIOUSLY MARKED EXHIBITS PRESENTED TO WITNESS	"	record.
9		9	record. A Larry Lloyd Eden.
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1	Q	Page 6 Oh, okay. What's her first name?	1	Pago 1 A He was customer service manager.
2	æ A	Debbie.	2	
3	Q	Is her last name Eden as well?	3	
4	A A	Eden.	4	
5	Q	And the spelling of her name is	5	_ ~
6	A	D-e-b-b-i-e.	6	
7	Q	Okay. Mr. Eden, where do you currently	7	
8	work?	onay. Mr. Eden, where do you currencry	8	
9	A	With WestRock.	9	
10	Q	Okay.	10	
11	A	In Gallatin.	11	·
12	Q	How long have you been with WestRock in	12	
13	Q Gallati	-	13	
	A			
		Forty-three years, I believe.	14	
15 16	Q 2	What is your current job title?	15	
16 17	A	Shipping manager.	16	
17	Q 2	How long have you been in that job/role?	17	-
18	A	Since June of this year.	18	5 5
19	Q	What was your job title before that?	19	
20	A	Plant manager.	20	• •
21	Q	Is shipping manager a demotion?	21	
22	A	No.		•
23	Q	Okay. Why are you now shipping manager and	23	3 Q Okay. What did you start off as?
24	not pla	nt manager?	24	4 A Just a machine operator in the plant.
25	A	They decided they didn't need two plant	25	Okay. When did you what were you after
_		Page 7		Page
	manager		1	-
2	Q	Who is the other plant manager?	2	11 J
3	A	Keith Hall.	3	~
4	Q	Did you receive a reduction in pay?	4	11 5
5	A	Yes, ma'am.	5	5.
6	Q	How much was your pay reduced when you went	6	6 Q Then what?
7	from pl	ant manager to shipping manager?	7	
	A			
8		Twenty percent.	8	
9	Q	Twenty percent. Is Keith Hall still the plant manager?		B manager.
9			8 9	B manager.
9 10	Q	Is Keith Hall still the plant manager?	8 9 10	manager. Q Do you recall about what year you became
9 10 11	Q A	Is Keith Hall still the plant manager? Yes, ma'am.	8 9 10	manager. Q Do you recall about what year you became plant manager? A No, ma'am. It's, I think, around 10 years.
9 10 11 12	Q A Q	Is Keith Hall still the plant manager? Yes, ma'am. How long has he been the plant manager?	8 9 10 11	manager. Q Do you recall about what year you became plant manager? A No, ma'am. It's, I think, around 10 years, 10, 12 years.
9 10 11 12 13	Q A Q A year.	Is Keith Hall still the plant manager? Yes, ma'am. How long has he been the plant manager?	8 9 10 11 12	manager. Do you recall about what year you became plant manager? A No, ma'am. It's, I think, around 10 years, 10, 12 years. Q Now, when Tommy Whited hired you initially
9	Q A Q A year. Q	Is Keith Hall still the plant manager? Yes, ma'am. How long has he been the plant manager? Since November or December of this past	8 9 10 11 12 13	manager. Do you recall about what year you became plant manager? A No, ma'am. It's, I think, around 10 years, 10, 12 years. Now, when Tommy Whited hired you initially as a machine operator
9 10 11 12 13 14	Q A Q A year. Q	Is Keith Hall still the plant manager? Yes, ma'am. How long has he been the plant manager? Since November or December of this past Of 2016?	8 9 10 11 12 13 14 15	manager. Q Do you recall about what year you became plant manager? A No, ma'am. It's, I think, around 10 years, 10, 12 years. Q Now, when Tommy Whited hired you initially 4 as a machine operator
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9 10 11 12 13 14 15 16	Q A Q A year. Q A Q Before	Is Keith Hall still the plant manager? Yes, ma'am. How long has he been the plant manager? Since November or December of this past Of 2016? Yes. Who was the plant manager before that?	8 9 10 11 12 13 14 15 16 17	manager. Do you recall about what year you became plant manager? A No, ma'am. It's, I think, around 10 years, 10, 12 years. Q Now, when Tommy Whited hired you initially as a machine operator A Initially, a guy named Roger Acuff, which is back 40 years ago. Q Okay. But Mr. Whited was the one who hired
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NUI	LANUWSKI VS WESTRUCK SERVICES		
1	Page 10 A General manager.	1	Page 12 A Well, I know he got fired. I don't know the
2	Q He was general manager over both the main	2	full what happened.
3	plant and the fulfillment center?	3	Q What did you hear?
4	A Yes, ma'am.	4	A Well, I mean, the Tommy's boss just come
5	Q And the same with you, when you were plant	5	in and told us he's no longer with us, and he didn't
6	manager, you were plant manager over both the main	6	go into any of the details about why.
7	plant and the fulfillment center, right?	7	Q Who is his boss?
8	A Not at the beginning. Last two or	8	A Tom Pedine.
9	three years is when I guess he made me responsible	9	Q Have you talked to Tommy Whited since he was
10	for both.	10	let go?
11	Q In 2014, were you responsible for both?		A I've seen him just by passing.
12	A It was probably '15 when I found out that I	12	Q Have you ever bought any cars or appliances
13	had responsibility.	13	or anything from him?
14	Q Okay. Before that, would you be required to		A No.
15	go to the fulfillment center if Mr. Whited needed	15	Q When Tommy Whited was the general manager
16	you to or requested you come down there?		right? That's what his that was his job title?
17	A Yes.	17	A (Witness moves head up and down.)
18	Q Okay. Who is your current supervisor? I'm	18	Q did he have a bad temper?
19	not sure if I asked you that.	19	A After he told you two or three times, he
20	A My current supervisor now is Keith Hall.	20	would get upset, yes.
21	Q Okay. Do you supervise anyone right now?	21	Q What do you mean, he would get upset? How
22	A Yes, ma'am. Forklift drivers.	22	would he behave?
23	Q Are you hourly or salary?		A I mean, he'd just raise his voice at you.
24		24	
25		25	
23	Q When you were plant manager, what were your	25	A Oh, no.
	Page 11	_	Page 13
1	job duties?		Q You didn't witness any of that?
2	A My job duties was to make for the plant	2	A No, ma'am.
3	to be successful. And first and foremost was the	3	Q Had people complained to you about him
4	safety of our people.		cussing at them?
5	Q Anything else?	5	A Cussing them, no.
6	A Like I said, the responsibility was to get	6	Q What about cussing in general?
7	our deliveries to our customers on time.	7	A Not that I'm aware of, no.
8	Q Okay. Anything else you can think of?	8	Q Did you have any employees complain to you
	A Not that I can think of.	9	just in general about Tommy Whited and how he
10	Q Did you have the ability to hire or fire	10	
11	employees?	11	
12	A Not without my general manager's approval.	12	know, may say something about about him getting
13	Q And that was Tommy Whited?	13	on to them or something.
	A (Witness moves head up and down.)	14	Q Did you have any employees come to you and
15	COURT REPORTER: Excuse me? Please	15	talk about how he was abusive towards them?
16	answer out loud.	16	A Abusive?
17	THE WITNESS: Not without general	17	Q Yes.
18	prior approval from Tommy.		A Not in a meaningful way.
19	BY MS. COLLINS:	19	Q What do you mean by that?
20	Q And I'll just remind you, just be sure to		A Well, I mean, Tommy always joked and cut up
		21	with people as people joked and cut up with him.
21	verbalize your response.		
22	A It just dawned on me. I'm sorry.	22	Q What do you mean by that?
22 23	A It just dawned on me. I'm sorry. Q It's okay. It's natural.	23	A Well, I mean, you know, they'd walk and talk
22 23 24	A It just dawned on me. I'm sorry. Q It's okay. It's natural. Now, do you know what happened to Tommy	23 24	A Well, I mean, you know, they'd walk and talk to one another, and they'd make a joke, you know,
22 23 24	A It just dawned on me. I'm sorry. Q It's okay. It's natural.	23	A Well, I mean, you know, they'd walk and talk

Page 14 Page 16 1 physically abuse anybody. 1 0 Sure. If Michael Kulakowski recalls you Had an employee come to you and told you 2 telling him that, that you had told him that that's 3 how it was going to be if he worked out there, that that he had touched them or hit them or kicked them? Tommy Whited was going to do those things to him, 5 Tell me about that. would you have a basis to dispute Michael Q Well, it was Kulakowski. He said that he Kulakowski's recollection? 6 Α had kicked him, knocked his hat off. Not other than my word against his. Anything else? Now, when he told you that he had been 9 Α No. kicked in the groin by the general manager of the Tell me about the kicking. What did he talk 10 plant, Tommy Whited, did you report it to HR? 10 Q 11 about the kicking? 11 No, ma'am. 12 A He just told me that, you know, Tommy had 12 0 Why not? kicked him. But like I said, they joked and cut up 13 Because, like I said, they joked and cut up 14 all the time, so I didn't think it was a --14 all the time. 15 How did you know they joked and cut up all 15 Did Michael Kulakowski tell you that it was Q the time? 16 16 a joke when Tommy Whited had kicked him in the 17 A Because they laughed at one another. 17 groin? Okay. When Michael Kulakowski told you that No, he didn't say it was a joke. 18 18 And you didn't personally witness it to see 19 Tommy Whited had kicked him, did he say where he had 19 been kicked? that it was a joke, did you? 20 20 21 A 21 In the groin. Α 22 Q Do you recall when this was? 22 Q Did he say that it -- did Michael Kulakowski 23 Maybe -- I don't. I'm going to say a year 23 tell you that it hurt? 24 and a half ago or something, two years. Yes, I'm sure he did. 24 25 Q Did he tell you that on more than one 25 And I guess that would be typical as a man, Page 15 Page 17 1 occasion? 1 if you get kicked in the groin, it's going to hurt, right? 2 A Not that I can recall, no. You just don't know if he told you that on 3 Α Yes. more than one occasion or you're certain that he Q Would you consider it to be a joke if you 5 didn't tell you on more than one occasion? got kicked in the groin? 6 No. I just don't know. 6 Α Α 7 0 Okay. When he told you that, did you 7 Are you familiar with WestRock's policies? I'm familiar with it some, yes. document it in any way? Did you know that under WestRock's policies 9 Α No, ma'am. 9 Did you go talk to Tommy Whited about it? that you should have reported if another employee 10 Q 10 11 Δ No, ma'am. 11 reported an assault in the workplace? What did you say to Michael Kulakowski when 12 A If he was serious about it, yes. 12 0 he told you that? 13 You just didn't think that Michael 13 I didn't -- I didn't say anything. 14 A Kulakowski was serious when he told you he got 15 Did you say anything to the effect of that's 15 kicked in the groin and hurt, did you? just how it's going to be when you work here, he's 16 16 Α No. going to do that to you? 17 17 0 Why not? 18 Α No. 18 Because like I said, they joked and cut up Anything like that? all the time. And I've seen them, you know, laugh 19 0 20 Α No, ma'am. and joke together, and so I just didn't take it 21 Q So if Michael Kulakowski recalls you telling 21 serious. 22 22 him that, would you have a basis to dispute his 0 Do you wish you would have taken it 23 recollection that you had told him that? 23 seriously? 24 A Can you repeat that? I didn't quite 24 MS. DOHNER SMITH: Objection. 25 understand what you just said. 25 THE WITNESS: Yes, now.

	ANOWON VS WESTNOON SERVICES		
1	Page 18 BY MS. COLLINS:	1	Page 20 Whited?
2	Q Do you think you were complying with	2	A No, ma'am.
3	WestRock policy when you didn't report that to HR?	3	Q Did you ever contact anyone in human
4	A Like I said, I thought I was you know, I	4	resources about Tommy Whited or his behavior?
5	didn't if I thought Kuli was in any kind of	5	A No.
6	danger, I would have reported it. But I just	6	Q Why not?
7	thought it was just a they was kidding around all	7	A Obviously, a lot of his behaviors I didn't
8	the time, playing with one another all the time.	8	know.
9	Q What do you base that on?	9	Q Were you when you were plant manager at
10	A Based it on what I you know, I had seen	10	the fulfillment center, were you considered like
11	Tommy, you know, slap his hat off and Kuli would	11	second in command?
12	laugh, you know, that kind of stuff.	12	A Yes.
13	Q Other than slapping his hat off and kicking	13	Q Being second in command, could employees
14	him in the groin, did you see anything else?	14	report problems to you?
15	A No, ma'am.	15	A Yes.
16	Q Did Michael Kulakowski tell you that Tommy	16	Q And did you have a responsibility to address
17	Whited had pulled out his penis?	17	those problems?
18	A No, ma'am.	18	A Yes.
19	Q Did Michael Kulakowski report anything to	19	Q Who was the HR person that was over the
20	you about Tommy Whited grabbing him in the groin?	20	fulfillment center or the Gallatin plant?
21	A I don't recall that, no, ma'am.	21	A Her name is Terri Henley, but she's not on
22	Q Did Michael Kulakowski complain to you about	22	site.
23	Tommy Whited hitting him?	23	Q How long has she been the HR person for
24	A Hitting him?	24	those two facilities?
25		25	A Maybe three or four years.
			-
1	Page 19	1	Page 21
	A He told me about it.		Q Who was it before that?
2	A He told me about it. Q What did he tell you?	2	Q Who was it before that? A I don't know.
3	A He told me about it. Q What did he tell you? A Just told me that, you know, Tommy had	3	Q Who was it before that? A I don't know. Q Has what about Helen?
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	ANOWSKI VS WESTROCK SERVICES	, T	B
1	A No, ma'am.	1	Page 24 Tommy Whited had asked him to suck his penis?
2	Q Do you know who divisional HR is?	2	A No.
3	A No, ma'am.	3	Q Or his dick?
4	Q Have you ever had an occasion to report	4	A No, absolutely.
5	anything to divisional HR?	5	Q Had Michael Kulakowski told you that he had
6	A She's not there any longer, but the one	6	been slapped in the groin area numerous times by
7	the last one I know, her name was she's no longer	7	Mr. Whited?
8	with the company neither. I'll try to think of her	8	A As what, ma'am?
9	name.	9	Q Been slapped in the balls, the groin area,
10	Q Sure, sure. But you hadn't reported	10	by Mr. Whited.
11	anything to divisional HR, had you?	11	A Yes.
12	A No, ma'am.	12	Q Okay. Tell me about that.
13	Q And the person who you can't remember her	13	A Well, he just said, you know, he'd come by
14	name, did you know that they were divisional HR back		and walk up beside of him, look at his shoulders or
15	in 2015 or 2016?	15	something or other, and take his hand and do that
16	A Yes.	16	(indicating).
17	Q How did you know that?	17	Q So Michael Kulakowski told you that
18	A Just well, just by going to some of the	18	Mr. Whited would come up and hit him in his groin?
19	meetings I have to go to. I met a few people, and	19	A Yeah.
20	she was one of them.	20	Q When he told you that, did you report that
21	Q Okay. Was it Melissa McGraw?	21	to divisional HR?
22	A Yes. Melinda.	22	A No.
23	O Melinda?	23	Q Did you report it to anyone in human
24	A Melinda McGraw.	24	resources?
25	Q And you said she's no longer there?		A No.
1	Page 2:	1	Page 25 Q Did Michael Kulakowski ever tell you
_			
2	-		- ·
2	Q Had any female employees complained to you	2	anything about being hit so hard he got bruised?
3	Q Had any female employees complained to you about Tommy Whited hitting them in the groin or	3	anything about being hit so hard he got bruised? A No.
3 4	Q Had any female employees complained to you about Tommy Whited hitting them in the groin or private parts?	2 3 4	anything about being hit so hard he got bruised? A No. Q Did Michael Kulakowski ever tell you
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	AKOWSKI vs WESTROCK SERVICES		
1	Page 26 A Well, him doing just like I was talking	1	Page 28 A No, ma'am.
2	about, walking up to him and doing this	2	Q Now, do you recall when management came in
3	(indicating).	3	and investigated Tommy Whited?
4	Q Tommy Whited hitting Mr. Kulakowski	4	A I do.
5	A Yes.	5	Q Okay. What do you recall about that?
6	Q in his groin?	6	A Not a lot. They came and talked to a lot of
7	Did Mr. Kulakowski tell you that he was	7	people, and I'm not sure who all they talked to.
8	scared to lose his job?	8	Q Okay. What did you talk with them about?
9	A No.	9	A I can't recall all the questions that they
10	Q So, the time that you saw Mr. Whited	10	asked.
11	actually hit Mr. Kulakowski in the groin, you just	11	Q Did they ask you specifically if about
12	didn't do anything about that?	12	Michael Kulakowski?
13	A No. Because, again, I thought they was just	13	A I think there was a couple of questions
14	fooling around. That's what they had been doing.	14	about Kulakowski, but I don't remember what they
15	Q Did you ask Mr. Kulakowski separately if	15	were.
16	that was okay with him to be hit	16	Q Did you tell them at that time that Michael
17	A No, I didn't.	17	Kulakowski had complained to you about Mr. Whited
18	Q in the groin by the general manager?	18	hitting him in the groin and kicking him in the
19	A No, ma'am.	19	groin?
20	Q I think you said you wouldn't think that was	20	MS. DOHNER SMITH: Objection.
21	okay to have the general manager walk by and hit you	21	THE WITNESS: No.
22	in the groin, right?	22	BY MS. COLLINS:
23	A No.	23	Q Why not?
24	Q And Tommy Whited never kicked you or touched	24	A Because I only answered the questions that
25	you in the groin area?	25	they asked me, and I didn't I didn't know what
	Page 27	_	D 00
1	raue 21		Page 29
1	A No.	1	Page 29 they were doing.
1 2	•	1 2	=
	A No.		they were doing.
2	A No. Q Any other part of your body?	2	they were doing. Q Were you fearful for your job? A Excuse me?
3	A No. Q Any other part of your body? A No.	2 3 4	they were doing. Q Were you fearful for your job? A Excuse me?
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	A No. Q Any other part of your body? A No. Q Now, other than the two things the things that we've discussed, the hitting in the groin, the kicking in the groin, and the knocking the hat off, did Michael Kulakowski complain to you about or come to you and tell you about Mr. Whited touching him in any other way? A No, ma'am. Q How many times did he tell you that he was hit in the groin, Mr. Kulakowski tell you he was hit in the groin? A I think once, twice. Q How many times did he tell you he was kicked in the groin? A That's what you just asked, wasn't it? Q Hit. I just said hit. A Both. It was the same thing. Once or twice, because I didn't Q Did he ever tell you about being hit with a broom handle? A No, ma'am. Q Or being hit so hard that he fell to the	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	Were you fearful for your job? A Excuse me? Q Were you fearful for your job? A Maybe yes. Some ways, yes. Q Are you fearful for your job today, providing testimony? A Yes. I'm still fearful for my job, yes. Q Are you worried that you're going to lose your job because you talk about what Tommy Whited did to Mr. Kulakowski? A Not so much that, because I don't you know, I feel like you know, if I thought he was in any kind of danger, I would have reported it. Just goes back to the demotion. So I'm not sure. Q Do you think you were demoted in retaliation for talking to the investigators? A No. Q Why do you think you were demoted? A Well, they just said they didn't need two plant managers. Q Why do you think you were demoted? A I think they liked the other guy better. Q Is he younger?
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	-AROWSKI VS WESTROCK SERVICES		
1	Page 30 THE WITNESS: Yes, he is younger.		A No.
2	BY MS. COLLINS:	2	Q Or anything like that?
3	Q Do you think that has anything to do with	3	A No, ma'am.
4	it?	4	Q Do you think have you known Tommy Whited
5	MS. DOHNER SMITH: Objection.	5	to carry a gun?
6	THE WITNESS: No.	6	A No.
7	BY MS. COLLINS:	7	Q Do you think he's capable of harming anyone?
8	Q Why do you think they like him better?	8	MS. DOHNER SMITH: Objection.
9	A Because I think he's I think he's just	9	THE WITNESS: No, ma'am.
10	got more education.	10	BY MS. COLLINS:
11	Q Do you recall talking with Tom Pedine about	11	Q After he was terminated, was security
12	the when they came in and investigated?	12	brought in at the plant for a while?
13	A No.	13	A Yes, ma'am.
14	Q Okay. Do you know who I'm talking about? I	14	Q What was that about?
15	may be pronouncing	15	A Well, we couldn't figure out why, but
16	A Tom Pedine.	16	because, you know, I thought I knew Tommy as well.
17	Q Pedine, okay. But you didn't talk with him?	17	But they were there that's the protocol for
18	A Before, no.	18	getting rid of a GM, I guess.
19	Q Okay. Have you talked with him since then?	19	Q Had he made any threats that you heard about
20	A I talked to him the day they got they	20	or knew about?
21	removed Tommy.	21	A No, ma'am.
22	Q Okay. When they started the investigation,	22	Q Do you know who made the initial complaint
23	did Tommy call you worked up about it?	23	against him before he got fired?
24	A No.	24	A No, ma'am.
25	Q Did he call you do you recall him calling	25	Q Do you know a guy named Mr. Buckmaster?
	·		
1	Page 31 you and asking you what's going on?	1	Page 33
2	A No. I don't think he knew until	2	Q What's his first name again?
3	Q Why do you think that?	3	A Ken, Kenneth.
4	A Because if he had knew something was going	4	Q Are you still in touch with him?
5	on, I think he would have called.	5	A No. I see him occasionally at the store.
6	Q Do you recall telling the investigators that	6	
7	you were afraid to ask for vacation for yourself or	7	
8	others from Tommy Whited?	8	A He just said that he came in that morning
9	A I don't recall telling them that I was	9	and told me that he was going to be leaving.
10	afraid to ask for a vacation, no.	10	Q Did he say anything about the way Tommy
11	Q Were you worried about taking vacation when	11	Whited had treated him?
12	Tommy Whited was your general manager?	12	A No. He just said he was tired of having to
13	A Wasn't worried about it. A whole lot of it	13	get called back in to work and working on the
14	was my own fault for not putting in my vacation and	14	weekends and at night. He was getting called back
15	taking it.	15	in to work.
16	Q Okay. Did it seem like a lot of employees	16	Q Was he getting paid overtime for working
17	were kind of scared of Tommy Whited?	17	weekends and nights?
18	A I don't want to say scared. I want to	18	A Yes, ma'am. Get paid four hours if he comes
19	say I'm trying to think of a word. They	19	in, if he gets called in anytime. If it takes him
20	respected him in a way that, you know, that they	20	15 minutes, he still gets four hours.
21	didn't probably want to go to him about anything. I	21	Q Do you recall Tommy Whited saying anything
22	mean, you know, maybe it was afraid.	22	about hotline complaints would come to him if anyone
23	Q Do you recall him telling people that if	23	made one?
24	anybody reported anything, that he would know about		A No, ma'am.
25		25	

	AKOWSKI vs WESTROCK SERVICES		
1	Page 34 A Huh-uh. No, ma'am.		Page 36 Q But you didn't call HR when Michael
2	Q Did he say that supervisors reported to him,	2	Kulakowski told you about Tommy Whited hitting him
3	Tommy Whited?	3	and kicking him, right?
4	A Yeah. Everybody reported to Tommy.	4	A Right. Yes. I'll go back and say again,
5	Q Even you?	5	it's because they joked and cut up all the time and
6	A Yes.	6	it never was serious. If I ever thought it was
7	Q Did y'all give training to the employees on	7	serious, I would have.
8	the Global Compliance hotline?	8	Q But you didn't see the incidents happen,
9	A I don't recall training. I know that	9	right?
10	everybody was told where the numbers were posted and	10	A Huh-uh.
11	all that.	11	Q All you know is that Michael Kulakowski came
12	Q Where were the numbers posted?	12	and told you about it after the fact?
l	A On a like it's a bulletin board.	13	A Yeah. I seen the time that I was telling
l	Q At the fulfillment center?		you a while ago.
	A Yes. Both.	15	Q And you'd agree that's probably a pretty
16	Q Have they always been there?	16	hard thing to do, right?
17	A Yes, ma'am.	17	A I agree.
18	Q Other than posting it on the bulletin board,	18	Q Have you ever seen a Global Compliance
19	was there any sort of regular training about sexual	19	hotline report?
20	harassment or how to report sexual harassment?	20	A I can't remember if I have or not.
21	_	l	Q Do you know who typically gets those?
22	Q For the employees, not management.		A No, ma'am.
l	A I think during some of our safety meetings		Q When Michael Kulakowski told you that he had
	we tried to cover some of that, yes.		been hit and kicked in the groin, did you tell him
25	-		to call the Global Compliance hotline?
<u> </u>			<u> </u>
1	Page 35	1	Page 37
1	know of?	1	A I did not.
1 2		1 2	· · · · · · · · · · · · · · · · · · ·
			A I did not.
2	A Should be, but I'm not sure.	2	A I did not. Q Did you have any communication with any EEOC
2	A Should be, but I'm not sure. Q Okay. Is there a safety manager?	2	A I did not. Q Did you have any communication with any EEOC investigators?
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KUL	AKOWSKI vs WESTROCK SERVICES		
1	Page 38 Q Do you recall cutting back on Michael		Page 40 A No.
2	Kulakowski's overtime?	2	Q What did you do to prepare for your
3	A Yes, I have.	3	deposition today?
4	Q Okay. Tell me about that.	4	A I talked to Mary.
5	A Well, I mean, you know, we was low on work,	5	Q Okay. Did you look at any documents?
6	so I told him let's all keep it at 40 hours a week.	6	A Do what, ma'am?
7	Q Do you recall when that was?	7	Q Did you look at any documents?
8	-	8	A Yes.
9	Q Was it after Tommy Whited was terminated? A I don't think I have since then, no.	9	Q Okay. Do you recall what documents you looked at?
10	·	10	
11	Q Do you recall Michael Kulakowski coming and	11	MS. DOHNER SMITH: I'm going to object,
12	talking to you about wanting to go back to work	12	because the documents that I show him are my mental
13	overtime?	13	impression of what I think may come up or be
14	A He's asked me about working coming in	14	important during the deposition. So if you want to
15	early.	15	ask about documents outside of my conversation,
16	Q What do you recall about that?	16	that's fine.
17	A Well, I mean, he's asked me, he said, you	17	BY MS. COLLINS:
18	know, he needs the extra time, could he come in.	18	Q What documents did you look at to prepare
19	Q Okay. Do you recall when that was?	19	for your deposition today?
20	A Seems like it's just been within the last	20	MS. DOHNER SMITH: And I'm going to
21	six or eight months or something.	21	instruct you not to answer if it was something that
22	Q Was that when you were still plant manager?	22	I showed you during our prep session. Anything else
23	A Yes.	23	you looked at on your own is fine to answer.
24	Q Do you recall Jerry Harville complaining to	24	THE WITNESS: One of the things was the
25	you about Mr. Whited hitting him or kicking him?	25	handbook.
	2 · · · · · · · · · · · · · · · · · · ·	1	
<u> </u>			Page 41
	Page 39 A No, ma'am.	1	Page 41 BY MS. COLLINS:
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Page 46 Page 48 MS. COLLINS: Let's go off the record 1 Conduct and Ethics policy is "threatening another individual with bodily harm or assaulting another for a second. individual at any time while on company property 3 (Recess observed.) 4 BY MS. COLLINS: during working hours or while engaged in company 5 Mr. Eden, do you remember Jerry Harville business." telling you that his next step would be to go out 6 Would hitting another employee in the groin 6 the door because Mr. Whited was a bully and he's violate that part of the policy? intimidating to people? MS. DOHNER SMITH: Objection. 9 Did you say being a bully? 9 THE WITNESS: If they were meaningful 10 He's a bully. He bullies people and he's 10 Q with it, I would say yes. BY MS. COLLINS: 11 intimidating people. 11 12 I don't recall that, no. 12 0 Okay. Would kicking another employee in the Or anything like that? groin violate that part of the policy? 13 MS. DOHNER SMITH: Objection. 14 A You know, they've come to me complaining 14 15 because he'd gotten on to them, and then he -- but 15 THE WITNESS: Like I said, if they 16 that was it. 16 weren't joking and kidding, yes. BY MS. COLLINS: 17 0 Okay. Do you remember an employee named 17 Yohanna (phonetic) or Johanna? Okay. And a little bit, about five down 18 18 19 Johanna. 19 from there, it says "fighting, horseplay, practical Johanna? jokes or pranks while at the work site or engaged in 20 0 20 21 A Yes, ma'am. 21 company business" violate this Code of Business 22 0 Okay. What was her job? Conduct and Ethics? 23 Α She was a customer service. 23 Α Yes. Did she quit? 24 Would those two things, hitting another 24 25 A She turned in her time, yes. employee or kicking another employee in the groin Page 47 Page 49 constitute fighting, horseplay, practical jokes or 1 0 What do you mean, turned in her time? She 2 quit? pranks while at the work site? 3 3 Yes. Was she an employee of WestRock? Now if you could turn to Page 11. And down 0 5 Δ at the bottom of the page, it's got -- it has a Did she ever complain about you -- to you header that says, "Employees who believe they have 6 about Mr. Whited? 7 been harassed must take the following immediate action." And the third one says, "If an employee 8 9 Before Mr. Whited was terminated, would it makes a complaint regarding harassment to a be fair to say that you were stressed and supervisor or manager, then the supervisor or 10 11 overworked? 11 manager is required to notify his or her divisional 12 A Yes. It would be fair to say, yes. HR Director, along with his or her local human 13 Do you feel like Mr. Whited wanted to make resources representative or senior management, if the employees feel bad sometimes? 14 applicable." 15 15 Α Yes. Now, did you do that with respect to If you could turn to -- in this book here, anything that Michael Kulakowski told you about 16 16 there's an Exhibit Number 4. Tommy Whited hitting him and slapping him and 17 17 18 (Presented Exhibit No. 4.) 18 kicking him? BY MS. COLLINS: 19 Α No. Because I didn't think what he was 19 20 If you could turn to Page 8. And this is --20 telling me was a complaint. have you seen this policy before? 21 Okay. If you could turn to the next page on 21 (Reviewing document.) 22 Page 12. And down at the bottom half of the page in 23 Seems like I have, yes. the Anti-violence section, in the third paragraph it 24 0 Now, I guess about midway down, one of the states, "If an employee is threatened, witnesses or infractions listed under this Code of Business overhears a threat of bodily harm, he/she must

Page 50 Page 52 1 report it directly to a supervisor or manager." 1 when there's overtime work that's needed, correct? When Mr. Kulakowski came and told you about Α 3 being hit and kicked, did you report it to anyone Okay. Was Mr. Kulakowski the only person 4 else? that was told to cut back on his overtime? 5 A 5 No. Because, again, I didn't think he was No. 6 meaningful. 6 Q So, other employees were told they had to 7 And that was even though you knew that it limit their overtime as well? was difficult for Mr. Kulakowski to tell you about Yes. that, right? 9 Earlier you were asked if you recall whether 10 or not Mr. Kulakowski told you he wanted -- I can't Δ Could you repeat that? 10 And that was even though -- I think you read my own writing -- whether or not Mr. Kulakowski 11 Q 12 testified earlier that it was probably difficult for told you he wanted Tommy to quit hitting him. Did Mr. Kulakowski to tell you about those things, that -- and you said you didn't recall that event. Do you remember that didn't happen or you can't 14 right? 15 A recall if it happened? Yes. Just don't recall it. 16 Q And even though you didn't actually witness 16 17 it to see if it was a joke, right? 17 Okay. So you don't recall any conversation like that whatsoever? 18 Right. 18 19 Okay. 19 Α No. Okay. You indicated you recalled 20 MS. COLLINS: All right. I believe 20 Q Mr. Kulakowski coming to you and making a statement 21 that's all I have. 21 22 MS. DOHNER SMITH: I may have a couple. he was sick of the way he was being treated by Tommy 23 EXAMINATION Whited. Was that in relation to Tommy getting on 24 BY MS. DOHNER SMITH: him about something in the warehouse or was that in 25 Mr. Eden, earlier when you were talking relation to kicking and hitting? Page 51 Page 53 1 about Mr. Whited hitting Mr. Kulakowski in the 1 MS. COLLINS: Objection to form. 2 groin, you had made a gesture with your hand. The THE WITNESS: Well, it was at the time 3 court reporter can't get down on the record what he had gotten on to him about something. That's 4 your gesture looked like. Could you explain in usually when I hear complaints, after he gets on to 5 verbal words what the hand gesture you were making 5 him. 6 was? 6 BY MS. DOHNER SMITH: He stood beside him, and then put his hands 7 7 What do you mean, gets on to him? Gets on to him because the warehouse is in a down to his side, and just flipped his hand back. 8 So, it wasn't like he was -- had a fist and 9 mess. was punching him with force in the groin? 10 10 0 So like demanding that they do a better job 11 11 No. It was just a flip back. or --Yes. He wants them, yes, to keep the More like a tap or little slap? 12 12 0 13 Yes. 13 warehouse clean and neat. 14 Q Okay. Nothing with a lot of force? 14 Okay. Did Mr. Kulakowski ever tell you that 15 Α Correct. he believed he was being harassed, sexually harassed I think you testified that you saw that by Mr. Whited? 16 16 happen one time in the last couple of years. Was 17 Α 17 No. 18 Mr. Kulakowski laughing at the time? 18 Did Mr. Kulakowski ever tell you that he 19 Yeah. They both were. wanted you to make a report on his behalf? 19 20 Okay. So there wasn't anything out of that 20 No. situation that made you think that Mr. Kulakowski 21 MS. DOHNER SMITH: I think that's it. 21 EXAMINATION 22 was hurt or in distress in any way? 22 23 Α 23 BY MS. COLLINS: 24 Q Okay. When it comes to working overtime at 24 Q You were asked a question about -- and I the company, you only have employees work overtime think it was characterized as a tap or a slap when

November 09, 2017 | EDEN, LARRY KULAKOWSKI vs WESTROCK SERVICES

Page 54 1 Mr. Kulakowski was hit in the groin. You actually 2 witnessed that, correct? 3 A Yes. 4 Q And even a tap or a slap in a male groin 5 hurts, right? 6 A Yes, it could. 7 Q Are you glad Mr. Whited is no longer working 8 there? 9 A Yes. 10 Q Do you think it's appropriate to tap or slap 1 ERR 2 3 I, LARRY LLOYD EDEN, h foregoing deposition, Pages 4 November 9, 2017, do hereby testimony is a true and acc 5 with the following changes, 6 PAGE LINE SHOULD HA 8 — — — — — — — — — — — — — — — — — — —	aving read the 1 through 54, taken certify said urate transcript, if any:
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12 A No.	
MS. COLLINS: That's all I have.	
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19 LARRY LLO	YD EDEN
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Notary Public	
23 My commission expires:	
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Page 55	
1 REPORTER'S CERTIFICATE 2	
4	
3 T. Tanni I. Dantan DDD GDD Watern	
3 I, Jerri L. Porter, RPR, CRR, Notary	
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